

## **REMARKS**

The Examiner's action mailed May 22, 2003 has been given careful consideration by the applicant. Claims 1-34 remain in the application. Reexamination and reconsideration of the application is hereby respectfully requested.

### **The Office Action**

The Examiner rejected claims 1-5 and 8-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,095,204 to Novini.

Claims 6, 7, and 14-17 were rejected under 35 U.S.C. §103 as being unpatentable over the Novini patent in view of U.S. Patent No. 3,721,501 to Atkinson, et al.

### **The Cited Patents**

The Novini patent (as alleged in its abstract) relates to a system and method for optical inspection of the bottom surfaces of transparent containers which comprises an image acquiring means, an illumination source and means for processing, storing and analyzing the image to search for and identify a baffle mark in the acquired image, and when found, to remove or erase the baffle from the image memory prior to the defect inspection process. Significant defects present in the area of the image being searched can be identified, even if the defects are located directly on the baffle mark, thus providing high sensitivity capability for defect detection while maintaining a low false rejection rate due to baffle marks.

Significantly, the Novini patent does not disclose the concept of using electromagnetic radiation to render visibly clear objects opaque in the environment of a sensing apparatus.

The Atkinson patent relates to a method and apparatus for monitoring surfacing coatings. Atkinson is cited for its purported teaching of a mechanical chopper for a bottle inspection system.

### **The Claims Patentably Distinguish Over The Cited Patents**

The Examiner rejected claims 1-5 and 8-13 under (and 18-22 and 25-30) as being anticipated by the Novini patent. However, as noted above, the Novini patent does not disclose nor fairly teach the use of an electromagnetic radiation source which transmits wavelengths wherein the visibly clear objects being inspected are rendered opaque by naturally occurring molecular and/or atomic absorptions occurring within the material of the object being inspected.

This feature, however, is recited in independent claims 1 and 18. Therefore, these claims, and all claims dependent thereon, are not anticipated by the Novini patent.

The Examiner asserts that it is his position that the light source of the Novini patent produces the same function of the claimed invention. However, the Examiner provides no support for this assertion. It is submitted that the Novini patent does not fairly teach the rendering of objects as opaque upon transmission of wavelengths therethrough. Indeed, the Novini patent indicates that at least some of the defects that its system detects are bubbles and foreign objects. These, of course, would not be detectable if the material was rendered opaque.

The Examiner also rejected claims 6, 7, and 14-17, (and apparently claims 23, 24 and 31-34) as being unpatentable over the combination of the Novini patent and the Atkinson patent. However, these claims are all dependant upon independent claims that have been asserted to be allowable. Therefore, these claims are likewise submitted to be allowable over the cited combination.

**CONCLUSION**

In view of the foregoing, the applicant respectfully submits that the present application is in condition for allowance. Early notification of such allowance is hereby respectfully requested.

Respectfully submitted,

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November 21, 2003  
Date

  
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